(60)

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (S) No.6298 of 2007

PETITIONER Dr. Prakash Patil, aged about 41 years, s/o late Kalicharan Patil, R/o Community Health Centre, Bhanupratappur, District Kanker(CG)

Versus

RESPONDENTS

1. The State of Chhattisgarh, Through: Secretary, Ministry of Health and Family Welfare Department, D.K.S. Bhawan Raipur
2. Avar Sachiv, Health and Family Welfare Department, Raipur.
3. The Collector, Kanker
4. Dr. Lakhan Juri, Medical Officer Primary Health Centre Farasgaon, Jagdalpur.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUION OF INDIA

Appearance:

Shri Parag Kotecha, counsel for the petitioner.

Shri Sumit Verma, Panel Lawyer for the State on advance copy.

ORAL ORDER
(30.10.2007)

SUNIL KUMAR SINHA, J.

Heard.

The petitioner, who is working on the post of Medical Officer at Community Health Centre, Bhanupratappur, District Kanker, has been transferred from Bhanupratappur to Farasgaon.

Learned counsel for the petitioner submits that the petitioner is working in a scheduled area since the year 1990, therefore, he should have transferred on his option as per the circular of State government. He submits that in this regard a representation has also been filed by the petitioner.

On being pointedly asked from learned counsel for the petitioner that since when the petitioner is posted at Bhanupratappur, he submits that the petitioner is posted there prior to 2003.

The transfer is an incidence of service. Nobody working on a transferable post can claim for his posting at a particular place. Who should be posted where is to be seen by the employer which depends upon the administrative exigency as also in public interest. Unless the order of transfer is shown to be vitiated by malafides, extraneous considerations or is shown to be passed against any statutory rule or the Act, the same cannot be interfered with by a Court of law, is the settled view of the Apex Court.

Learned counsel for the petitioner could not point out any such ground in the case of the petitioner.

I am not inclined to admit this petition for hearing. The petition is not worth admission. The same is dismissed at the motion stage itself.

However, as stated above that a representation has been filed, the authorities are free to dispose of the representation filed by the petitioner.

Sd/-
Sunil Kumar Sinha
Judge

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